

Supreme Court, U.S.
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No. 05-

IN THE
Supreme Court of the United States

EDMUND KO,

Petitioner,

v.

THE STATE OF NEW YORK,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE STATE OF NEW YORK,
APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT

PETITION FOR A WRIT OF CERTIORARI

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Questions Presented For Review

1. Whether the Sixth Circuit, in United States v. Cromer, 389 F.3d 662 (6th Cir. 2004), correctly determined that the fact that a defendant may have opened the door to a declarant's testimonial, out of court statement, in violation of Crawford v. Washington, 541 U.S. 36 (2004), will not compel the forfeiture of the right to confrontation absent some wrongful act by the defendant which results in the inability of the declarant to appear as a witness.

2. Whether the Supreme Court should articulate the proper standard upon which a trial judge should determine when a criminal defendant, consistent with the Sixth and Fourteenth Amendments, may require the prosecution to grant immunity to a defense witness.*

Parties to the Proceedings Below

The original parties to this case are as referenced in the caption. There are no additional parties.

* This question was previously raised in Petitioner's original petition for a writ of *certiorari* under No. 03-1348.

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